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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/073,452 05/06/98 LANG

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TM02/1212

EXAMINER
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TRAN. T	
ART UNIT	PAPER NUMBER

2615  
DATE MAILED:

12/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/073,452**

Applicant(s)

**Lang et al**

Examiner

**Thai Tran**

Group Art Unit  
**2615**



☒ Responsive to communication(s) filed on Sep 7, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Objections*

1. Claims 1-16 are objected to because of the following informalities: the claim or claims must commence on a separate sheet (see MPEP §608.01(I)). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al ('551).

Logan et al discloses a time delayed digital video system using concurrent recording and playback having video input means (12 of Fig. 1 or 17 of Fig. 2) for receiving one or more broadcast video/audio programs; cyclic buffer means (5 of Fig. 1 and 23 of Fig. 2) for storing the programs as program data in a cyclical fashion wherein upon being filled, the cyclic buffer begins replacing the oldest data with the newest of the data and is operable for simultaneously reading and writing the data; and viewing playback means (11 of Fig. 1 and 22 of Fig. 2) for providing playback control of the data independently from the storing of the programs wherein the playback

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control comprises random access playback, stop, pause, rewind and fast-forward functions; whereby the time-shifted viewing is selectably delayed relative to initiation of the broadcast audio/video programs and which may be initiated and controlled simultaneously with the storing to the programs (columns 5-6) as recited in claims 1 and 6; archive means (column 5, lines 35-65) for semi-permanent storage of the program data and wherein the archive means is used as a save function for selective retrieval, playback and control of program data as recited in claims 2 and 7; viewer playback control capture means (column 5, lines 7-21) for the capture and storage of user playback control data and whereby the viewer playback control data is stored on the archive means as recited in claims 3 and 8; data transmission means (column 5, lines 7-21) for transmitting the viewer playback control data away from the system and wherein the viewer playback control data is analyzed externally from the system as recited in claims 4 and 9; data reception means (column 5, lines 7-21) for receiving broadcast program configuration data and wherein the broadcast program configuration data is operative for configuration of system options of the system for recording of one or more broadcast programs as recited in claims 5 and 10; wherein the video input means receives one or more broadcast video/audio programs (4 of Fig. 1, column 2, lines 11-16 and column 3, last paragraph) simultaneously on one or more channels; wherein the cyclic buffer storage means stores the data simultaneously for the one or more channels (5 of Fig. 1); and wherein any of the stored program from the one or more channels are accessible of the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 11-12; the video input means receives one or more broadcast video/audio programs simultaneously on two

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or more numerically adjacent channels (column 3, last paragraph) as recited in claims 13-14; program means (3 of Fig. 1) to select one or more broadcast programs to be recorded and stored using the storage means; and wherein any of the stored programs from the one or more channels are accessible for the playback and the time-shifted viewing (column 4, lines 3-13) as recited in claims 15-16.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to an apparatus for recording/reproducing video signal.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.



THAI TRAN  
PATENT EXAMINER

TTQ

December 4, 2000